

REMARKS

This amendment is responsive to the Office Action that issued November 27, 2004. In light of the remarks that follow, reconsideration and removal of the grounds for rejection are respectfully requested.

In the Office Action, Claims 1-10 are rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent Publication No. 2001/0031066 to Meyer et al ("Meyer"). Claims 2-8 are canceled herein, without prejudice. In addition Claims 1, 9, and 10 are amended herein including amendments to eliminate exemplary reference symbols so as to put the claims in better US format.

As a first matter, Meyer is not valid prior art for many elements that it is alleged it shows. Meyer has a filing date of January 24, 2001 and claims priority as a non-provisional application of Provisional Application No. 60/178,028, filed January 26, 2000, and as a continuation-in-part from U.S. Patent Application No. 09/563,664 (now, U.S. Patent No. 6,505,160) filed May 2, 2000 (collectively hereinafter, "Meyer's Priority Documents"). The present Patent Application No. 09/933,845 has a filing date of August 21, 2001 and claims priority of a European Application No. 00202947.8 filed August 23, 2000. Only Meyer's Provisional Application No. 60/178,028, filed January 26, 2000 and U.S. Patent No. 6,505,160, filed May 2, 2000 are prior art to Applicant's current Application No. 09/933,845 that claims priority

to August 23, 2000. If not for those dates, Meyer is not prior art since only those dates precede Applicants European Application priority date.

Under MPEP §706.02 heading, "DETERMINING THE EFFECTIVE FILING DATE OF THE APPLICATION" it states that "the effective filing date of a U.S. application may be determined as ... (B) [i]f the application is a continuation-in-part of an earlier U.S. application, any claims [or subject matter for that purpose] not supported [under 35 U.S.C. §112] by the specification and claims of the parent application have an effective filing date equal to the filing date of the new application." Under section (D), the same requirement is stated for a claim of priority to a Provision Patent Application.

Yet, Meyer's Priority Documents do not support several of the sections of Meyer's U.S. Patent Publication No. 2001/0031066 cited in the Office Action. Meyer's Provisional Application No. 60/178,028 and U.S. Patent No. 6,505,160 are identified in an Information Disclosure Form attached hereto for the Examiner's attention. Specifically Meyer's Priority Documents do not support "receiving a portion of the content item from a client system, processing the received portion to obtain an identifier for the content item, obtaining further information on the content item using the identifier, and transmitting the further information to the client system, wherein a portion of the further information

includes an offer to sell a further content item related to the content item" as required by Claim 1. Further, Meyer's Priority Documents do not support "server system arranged for facilitating enhanced rendering of a content item, comprising receiving means for receiving a portion of the content item from a client system, processing means for processing the received portion to obtain an identifier for the content item, lookup means for obtaining further information on the content item using the identifier, and for transmitting the further information to the client system, wherein a portion of the further information includes an offer to sell a further content item related to the content item" as required by Claim 9, nor a "method of facilitating an e-commerce transaction comprising the acts of: receiving an electronic content item; processing the content item to determine an identifier for the content item; and transmitting an electronic offer to sell in response to the determined identifier" as required by Claim 11. The sections cited in the Office Action as showing these or similar features are not present in Meyer's Priority Documents.


Therefore, Meyer is not entitled to the priority dates of the Meyer Priority documents for these features and is not prior art for these features with regard to the present patent application.

Further, even Meyer, with the faulty priority date, does not disclose or suggest the features required by Claim 1, 9, and 11, as

amended. Accordingly, allowance of Claims 1, 9, and 11 is respectfully requested.

Claims 10 and 12-14 depend from one of Claims 9 and 11 and are allowable for at least this reason as well as for the separately patentable elements respectively contained in each. Accordingly, separate consideration and allowance of each of Claims 10 and 12-14 is respectfully requested.

Respectfully submitted,

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